

SENATE BILL 18

E4
SB 196/12 – EHE

(PRE-FILED)

3lr0613

By: **Senator Young**

Requested: October 23, 2012

Introduced and read first time: January 9, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Building Codes – Balcony Inspections**
3 **(Jonathan’s Law)**

4 FOR the purpose of requiring a political subdivision to require periodic inspections of
5 certain multifamily dwellings with balconies to ensure that each balcony meets
6 certain requirements; authorizing a political subdivision to conduct the
7 inspections, authorize a third party to conduct the inspections, or require a
8 certain professional inspector to conduct and certify the inspections in a certain
9 manner; authorizing a political subdivision to charge a fee for a periodic
10 inspection; defining certain terms; requiring a political subdivision to require a
11 certain inspection under this Act of certain multifamily dwellings on or before a
12 certain date; providing for the application of this Act; and generally relating to
13 inspections of balconies in multifamily dwellings.

14 BY repealing and reenacting, with amendments,
15 Article – Public Safety
16 Section 12–203
17 Annotated Code of Maryland
18 (2011 Replacement Volume and 2012 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Public Safety**

22 12–203.

23 (a) **(1)** In this section[,] **THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) any housing in a political subdivision that has adopted a
2 local housing code that substantially conforms to the Minimum Livability Code; or

3 (iii) any housing exempted by the Department.

4 (e) The Minimum Livability Code shall:

5 (1) set minimum property standards for housing in the State;

6 (2) allow for exceptions and variations between political subdivisions:

7 (i) to reflect geographic differences; or

8 (ii) if the Department determines that unique local conditions
9 justify exceptions or variations recommended by political subdivisions; and

10 (3) include minimum standards for:

11 (i) basic equipment and facilities used for light, ventilation,
12 heat, and sanitation; and

13 (ii) safe and sanitary maintenance of residential structures and
14 premises.

15 (f) (1) The political subdivision in which the housing is located shall
16 enforce the Minimum Livability Code.

17 (2) Unless alternative housing is provided, an individual may not be
18 displaced by enforcement of the Minimum Livability Code.

19 **(3) (I) A POLITICAL SUBDIVISION SHALL REQUIRE AN**
20 **INSPECTION OF EACH MULTIFAMILY DWELLING IN THE POLITICAL SUBDIVISION**
21 **IN WHICH A UNIT IN THE MULTIFAMILY DWELLING HAS A BALCONY AT LEAST**
22 **ONCE EVERY 10 YEARS BEGINNING NO LATER THAN 10 YEARS AFTER THE**
23 **BALCONY IS CONSTRUCTED, TO ENSURE THAT EACH BALCONY MEETS THE**
24 **REQUIREMENTS OF THE APPLICABLE LOCAL HOUSING CODE OR THE MINIMUM**
25 **LIVABILITY CODE.**

26 **(II) A POLITICAL SUBDIVISION MAY:**

27 **1. CONDUCT INSPECTIONS REQUIRED UNDER**
28 **SUBPARAGRAPH (I) OF THIS PARAGRAPH;**

29 **2. AUTHORIZE A THIRD PARTY TO CONDUCT**
30 **INSPECTIONS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH ON**
31 **BEHALF OF THE POLITICAL SUBDIVISION; OR**

1 **3. REQUIRE AN INSPECTION REQUIRED UNDER**
 2 **SUBPARAGRAPH (I) OF THIS PARAGRAPH TO BE CONDUCTED AND CERTIFIED TO**
 3 **THE POLITICAL SUBDIVISION BY A PROFESSIONAL INSPECTOR EMPLOYED BY**
 4 **THE OWNER OF THE MULTIFAMILY DWELLING.**

5 **(III) A CERTIFICATION MADE BY A PROFESSIONAL**
 6 **INSPECTOR UNDER SUBPARAGRAPH (II)3 OF THIS PARAGRAPH SHALL:**

7 **1. BE MADE IN THE FORM REQUIRED BY THE**
 8 **APPLICABLE POLITICAL SUBDIVISION; AND**

9 **2. INCLUDE:**

10 **A. A STATEMENT THAT THE BALCONY HAS BEEN**
 11 **INSPECTED;**

12 **B. THE NAME OF THE OWNER OF THE MULTIFAMILY**
 13 **DWELLING;**

14 **C. THE ADDRESS OF THE MULTIFAMILY DWELLING;**

15 **D. THE NAME OF THE INSPECTOR;**

16 **E. THE DATE THE MULTIFAMILY DWELLING WAS**
 17 **INSPECTED;**

18 **F. THE RESULTS OF THE INSPECTION; AND**

19 **G. ANY OTHER INFORMATION REQUIRED BY THE**
 20 **POLITICAL SUBDIVISION.**

21 **[(3)] (4)** A political subdivision may charge a property owner a fee
 22 for:

23 **(I)** an inspection made to enforce the Minimum Livability Code;
 24 **AND**

25 **(II) A PERIODIC INSPECTION MADE UNDER PARAGRAPH (3)**
 26 **OF THIS SUBSECTION.**

27 (g) (1) On application of the property owner, a political subdivision may
 28 waive the applicability of the Minimum Livability Code to a unit of rental housing if:

1 (i) each tenant of the unit is given adequate notice in the form
2 and manner specified by the political subdivision;

3 (ii) each tenant is given an opportunity to comment on the
4 application in writing or in person; and

5 (iii) the waiver would not threaten the health or safety of any
6 tenant.

7 (2) A political subdivision may waive applicability of the Minimum
8 Livability Code if the waiver is granted on the basis of the religious practices of the
9 tenant of a unit of rental housing.

10 (h) The Department:

11 (1) shall decide questions of interpretation of the Minimum Livability
12 Code, including questions that relate to uniform enforcement by political subdivisions;
13 and

14 (2) may authorize waivers or exemptions under the Minimum
15 Livability Code.

16 (i) (1) The Department may provide matching grants and technical
17 assistance to political subdivisions to implement the Minimum Livability Code.

18 (2) The matching grants shall be allocated using a formula developed
19 by the Department to take into account population and other relevant factors.

20 (3) The Department may waive the requirement of a match if
21 adequate local money is not available.

22 (j) (1) A property owner may not willfully violate the Minimum Livability
23 Code.

24 (2) A person who violates this subsection is guilty of a misdemeanor
25 and on conviction is subject for each violation to imprisonment not exceeding 3 months
26 or a fine not exceeding \$500 for each day the violation exists or both.

27 (3) A penalty imposed under this subsection is in addition to and not a
28 substitute for any other penalty authorized under federal, State, or local law.

29 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,
30 2014, a political subdivision shall require an inspection, in accordance with the
31 requirements of this Act, of each multifamily dwelling in the political subdivision in
32 which a unit in the multifamily dwelling has a balcony that is at least 10 years old.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act does not require
2 a political subdivision that conducts balcony inspections before the effective date of
3 this Act to alter its method of conducting inspections, but any change to balcony
4 inspection methods made on or after October 1, 2013, must comply with this Act.

5 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2013.